

**Remarks**

This Application has been carefully reviewed in light of the Office Action (“Office Action”) mailed November 21, 2008. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Claims 1-33 are pending. Claims 1-33 stand rejected. Applicants respectfully request reconsideration and favorable action in this case.

**Claim Rejections - 35 U.S.C. § 103**

The Examiner rejects Claims 1-10, 15-21, and 27-33 under 35 U.S.C. § 103(a) as being disclosed by U.S. Patent 5,826,014 issued to Coley et al. (“*Coley*”) in view of *Malkin*. Applicants respectfully traverse these claim rejections for the reasons discussed below.

**i. Claims 1-10, 27-28, 30, and 32**

Claim 1 teaches a method comprising receiving a request for connection from an initiator, over a public network, and requesting an acknowledgement from the initiator of the request. Claim 1 further teaches determining whether the acknowledgement has been received within a predetermined amount of time and denying the request if the acknowledgement is not received within the predetermined amount of time. Applicants respectfully contend that the proposed *Coley-Malkin* combination fails to disclose, teach, or suggest each and every one of these limitations.

*Coley* discloses a firewall in “a stand-alone system that physically resides between a point of public access and a network element to be protected.” *Coley*, col. 5, lines 51-54. The firewall application is comprised of proxy agents that are “assigned to designated ports to monitor, respond to and verify incoming access requests.” *Coley*, col. 6, lines 4-8. The Office Action relies on *Coley* as disclosing the limitation “requesting an acknowledgement from the initiator of the request.” *Office Action*, pg. 3. Applicants respectfully disagree.

The portion of *Coley* relied upon by the Examiner merely states that “firewall 210 application assesses the characteristics of an incoming request and assigns an appropriate proxy agent tailored to the particular protocol and verification requirements of that incoming access request.” *Coley*, col. 7, lines 41-46. Applicants respectfully contend that “assess[ing] the characteristics of an incoming request” fails to teach, disclose, or suggest “requesting an acknowledgement.” Furthermore, there is no teaching, disclosure, or suggestion of any

acknowledgement being requested from the initiator of the request for connection. *Malkin* fails to cure these deficiencies. Therefore, Applicants respectfully contend that the proposed *Coley-Malkin* combination fails to teach, disclose, or suggest every limitation of Claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1.

Similar to Claim 1, Claims 27, 28, 30, and 32 include elements generally directed toward receiving a request for connection from an initiator and requesting an acknowledgement from the initiator of the request. Therefore, Applicants respectfully contend that Claims 27, 28, 30, and 32 are patentably distinguishable from the proposed *Coley-Malkin* combination for at least the same reasons discussed above with regard to Claim 1.

Claims 2-10 depend, either directly or indirectly, from Claim 1 and incorporate all the limitations thereof. Therefore, Applicants respectfully contend that Claims 2-10 are patentably distinguishable from the proposed *Coley-Malkin* combination for at least the same reasons discussed above with regard to Claim 1.

**ii. Claims 15-21, 29, 31, and 33**

Claim 15 teaches a method comprising receiving an incoming data packet from a public network, comparing a source address of the data packet against known internal addresses of the private network, and determining if the source address matches a known internal address. If there is a match, Claim 15 teaches dropping the data packet, analyzing a header of the data packet, determining information regarding history of the packet, determining a real source of the data packet using the information regarding the history, and refusing to process any additional data packets received from the real source of the data packet.

As discussed above, *Coley* discloses a firewall in “a stand-alone system that physically resides between a point of public access and a network element to be protected.” *Coley*, col. 5, lines 51-54. The firewall application is comprised of proxy agents that are “assigned to designated ports to monitor, respond to and verify incoming access requests.” *Coley*, col. 6, lines 4-8. The Office Action contends that *Coley* discloses the limitations that if the source address matches a known internal address, determining a real source of the data packet using the information regarding the history of the packet and refusing to process any additional packets received from the real source of the data packet.” Applicants respectfully disagree.

*Coley* discloses “determination of whether a host source address of an incoming packet comports with a list of authorized or unauthorized addresses.” *Coley*, col. 9, lines 36-40. The list may include internal addresses to prevent “IP spoofing.” *See Coley*, col. 3, lines 24-40. For instance, “the packet filter maintains a list of addresses corresponding to network elements residing behind the firewall 318. If any incoming access request has a source address of a network element behind the firewall 318, that packet will be intercepted and discarded.” *Coley*, col. 10, lines 51-55 (emphasis added). Therefore, if an incoming packet attempts to spoof a source address of a network element behind the firewall, *Coley* discloses that it is merely discarded. However, *Coley* completely fails to disclose any steps taken beyond this discarding when the source address matches a known internal address. There is no disclosure, teaching, or suggestion of determining a real source of the data packet using information regarding a history of the packet, or refusing to process any additional data packets received from the real source of the data packet. *Malkin* fails to cure these deficiencies. Therefore, Applicants respectfully contend that the proposed *Coley-Malkin* combination fails to teach, disclose, or suggest every limitation of Claim 15. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 15.

Similar to Claim 15, Claims 29, 31, and 33 include elements generally directed toward receiving an incoming data packet, comparing the source address of the data packet against known internal addresses of a private network, and, if there is a match, analyzing a header of the data packet, determining information regarding a history of the packet, determining a real source of the data packet using the information regarding history, and refusing to process any additional data packets received from the real source of the data packet. Therefore, Applicants respectfully contend that Claims 29, 31, and 33 are patentably distinguishable from the proposed *Coley-Malkin* combination for at least the same reasons discussed above with regard to Claim 15.

Claims 16-21 depend, either directly or indirectly, from Claim 15 and incorporate all the limitations thereof. Therefore, Applicants respectfully contend that Claims 16-21 are patentably distinguishable from the proposed *Coley-Malkin* combination for at least the same reasons discussed above with regard to Claim 15.

**iii. Claims 11-14 and 22-26**

The Examiner rejects Claims 11-14 and 22-26<sup>1</sup> under 35 U.S.C. § 103(a) as being unpatentable over *Coley* in view of *Levinson*. Applicants respectfully traverse these claim rejections for the reasons discussed below.

Claims 11-14 depend indirectly from Claim 1, and incorporate all the limitations thereof. In rejecting Claims 11-14, the Examiner appears to rely on *Coley* as disclosing each of the limitations of Claim 1. However, as stated above, *Coley* fails to disclose each of the limitations of Claim 1. *Levinson* fails to cure this deficiency. Therefore, Applicants respectfully contend that Claims 11-14 are allowable for at least the same reasons as discussed above with regard to Claim 1.

Claims 22-26 depend, either directly or indirectly, from Claim 15 and incorporate all the limitations thereof. In rejecting Claims 22-26, the Examiner appears to rely on *Coley* as disclosing each of the limitations of Claim 15. However, as stated above, *Coley* fails to disclose each of the limitations of Claim 15. *Levinson* fails to cure this deficiency. Therefore, Applicants respectfully contend that Claims 22-26 are allowable for at least the same reasons as discussed above with regard to Claim 15.

**No Waiver**

All of Applicants' arguments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the *Coley*, *Malkin*, and *Levinson* references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

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<sup>1</sup> Page 22 of the Office Action states that Claims 2-26 are rejected under *Coley* in view of *Levinson*, but the discussion indicates that it is actually Claims 22-26. Applicants assume the Office Action intended to reject Claims 22-26 under § 103(a).

**CONCLUSION**

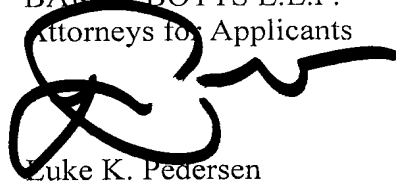
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending Claims.

Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If the Examiner feels that a conference would advance prosecution of this Application in any manner, Luke K. Pedersen stands willing to conduct such a telephone interview at the convenience of the Examiner. Mr. Pedersen may be reached at 214-953-6655.

Respectfully submitted,

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